

ASSEMBLY, No. 1687

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Requires DEP to obtain approval from Secretary of Agriculture prior to levying penalties against farmers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning violations of certain environmental statutes and
2 supplementing Title 13 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Notwithstanding any other law, rule, or regulation to the
8 contrary, the Department of Environmental Protection shall neither
9 seek nor recover penalties from any farmer, without first obtaining
10 the written approval of the Secretary of Agriculture, for any
11 violation of the following: the "Pesticide Control Act of 1971,"
12 P.L.1971, c.176 (C.13:1F-1 et seq.), the "Noise Control Act of
13 1971," P.L.1971, c.418 (C.13:1g-1 et seq.), "The Wetlands Act of
14 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), the "Freshwater
15 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the
16 "Highlands Water Protection and Planning Act," P.L.2004,
17 c.120 (C.13:20-1 et seq.), the "Air Pollution Control Act (1954),"
18 P.L.1954, c.212 (C.26:2C-1 et seq.), the "Water Supply
19 Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water
20 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The
21 Realty Improvement Sewerage and Facilities Act (1954),"
22 P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning
23 Act," P.L.1977, c.75 (C.58:11A-1 et seq.), and the "Flood Hazard
24 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.).

25 For purposes of this section, "farmer" means any person who
26 owns or operates a commercial farm as defined pursuant to section
27 3 of P.L.1983, c.31 (C.4:1C-3).

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill requires the Department of Environmental Protection
35 (DEP) to obtain written approval from the Secretary of Agriculture
36 to seek or recover penalties from farmers for violations of certain
37 environmental laws. The Department of Agriculture has expertise
38 in agricultural matters and would be able to assist farmers with
39 respect to environmental issues relating to farming. Current law
40 allows the DEP to unilaterally penalize farmers for environmental
41 violations without the approval of the Secretary of Agriculture.
42 That unilateral action would be prohibited under this bill.